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EXAMINER
KOENIG, ANDREW Y

ART UNIT	PAPER NUMBER
2623	

DATE MAILED: 10/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>22 August 2006</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *See Continuation Sheet* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *See Continuation Sheet* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

Continuation of Disposition of Claims: Claims pending in the application are 1-11,16,17,37,40,60,67-70,97,99,102,104,111,113,115,116,127-129, 137-139, and 169-174.

Continuation of Disposition of Claims: Claims rejected are 1-11,16,17,37,40,60,67-70,97,99,102,104,111,113,115,116,127-129,137-139 and 169-174.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments with respect to claims 1-11, 16, 17, 37, 40, 60, 67-70, 97,

99, 102, 104, 111, 113, 115, 116, 127-129, 137-139, and 169-174 have been

considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1-3, 9, 16, 37, 40, 99, 102, 104, 111, 113, 127-129, and 137-139 are

rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application

Publication 2003/0066085 to Boyer et al. (Boyer '085) in view of U.S. Patent 5,517,502

to Bestler et al. (Bestler) and U.S. Patent Application Publication 2005/0138660 to

Boyer et al. (Boyer '660).

        Regarding claim 1, Boyer '085 teaches a personal computer accessing a web

page via the Internet for receiving program data (pg. 3, para. 0053, pg. 3, para. 0056,

pg. 4, para. 0065, pg. 4, para. 0069), which reads on the claimed first receiver module

that receives program data.

Boyer '085 teaches ordering pay-per-view events via the web pages of the

Internet, and having information sent to a headend (pg. 9, para. 0131-0133) and a

separate television for receiving video signals (pg. 3, para. 0056, pg. 4, para. 0069), but

is silent on a module for receiving a local authorization code, wherein the code allows

the digital broadcast television programs to be decrypted for viewing. Bestler teaches

conditional access (CA) packets multiplexed into the transport stream (claimed local

authorization code) (col. 3, ll. 18-23) for decrypting the program, which reads on a

second receiver module for receiving local authorization code, wherein the code allows

the digital broadcast television programs to be decrypted for viewing. Therefore, it

would have been obvious to one of ordinary skill in the art at the time the invention was

made to modify Boyer '085 by a module for receiving a local authorization code,

wherein the code allows the digital broadcast television programs to be decrypted for

viewing as taught by Bestler in order to enable the system to decrypt the requested

programs, thereby enabling the headend to authorize the display of the pay-per-view

event. Boyer '085 teaches a transmitting that sends a program selection to a remote

site, wherein the program selection is made from the program data received by the first

receiver module and contains address information (via entry of the telephone number

and personal identification number) of the second receiver module (pg. 9, para. 0131-

0133); and

Boyer '085 teaches the program selection is received at the remote site (pg. 9,

para. 0131-0133) and Boyer '085 recognizes that the web server can direct

conventional equipment at the headend to authorize the display of the ordered even

(pg. 9, para. 0133), but is silent on a memory coupled to the second receiver module for

storing the received authorization code, and the remote site sends the local

authorization code, wherein the code is stored in memory until needed for decrypting

the selected program at a future time. Bestler teaches memory for storing the

authorization code (col. 8, II. 40-43) until needed for decrypting the program (col. 10, II.

1-13). Bestler teaches the decoder transmitting a program selection from the decoder

to the controller (claimed remote site) (fig. 7, lab 302) where the controller generates

and sends the local authorization code (col. 7, II. 37-40, col. 11, II. 51-61). Therefore, it

would have been obvious to one of ordinary skill in the art at the time the invention was

made to modify Boyer '085 by a memory coupled to the second receiver module for

storing the received authorization code, and the remote site sends the local

authorization code, wherein the code is stored in memory until needed for decrypting

the selected program at a future time as taught by Bestler in order to store codes for

use with decryption, thereby to enable the system to selectively authorize devices for

viewing programming thus providing a revenue source for the headend.

Boyer '085 and Bestler are silent on a first receiver located at a first site, and a

second receiver located at a second site geographically remote from the first site. In

analogous art, Boyer '660 teaches a personal computer (28) for viewing an Web-based

EPG (pg. 2, para. 0036), and a second receiver at the home, which is geographically

remote from the first site (pg. 3, para. 0044), wherein the user is able to access the web

page and order pay-per-view events through the web interface and deliver the event to

their multimedia system (fig. 9, pg. 3, para. 0062-0063), which reads on a first receiver

located at a first site, and a second receiver located at a second site geographically

remote from the first site.

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify the Internet based EPG of Boyer '085 and

Bestler by a first receiver located at a first site, and a second receiver located at a

second site geographically remote from the first site as taught by Boyer '660 in order to

facilitate users by enabling the user to order programs using a web-interface, thereby

permitting users to order programs from a geographically remote location and thus

increasing the usability of the system.

Regarding claim 2, the combination of Boyer '085 and Bestler has already been

discussed; Bestler teaches a conditional access module (claimed second receiver) (fig.

1) and a processor for processing the code to decrypt the program (fig. 1, label 40)

Regarding claim 3, the combination of Boyer '085 and Bestler teaches

incorporating the components (processor, second receiver, and memory) within a set

top terminal (Boyer '085: pg. 4, para. 0071), which is capable of being operably

connected to a television.

Regarding claim 9, Boyer '085 teaches the first receiver as a personal computer

(fig. 1, label 40, fig. 3, label 106).

Regarding claim 16, the combination of Boyer '085 and Bestler has already been discussed; Bestler teaches multiplexing the local authorization code with the program (col. 3, ll. 18-22).

Regarding claim 37, Boyer '085 teaches the second site comprises a web page of the Internet, wherein the page includes the program data and generates a request (pg. 4, para. 0067, pg. 9, para. 0131-0133).

Regarding claim 40, the combination of Boyer '085 and Bestler has already been discussed; Bestler teaches an authorization code addressed to specific terminals (col. 8, ll. 8-13) with an identification code identifies which programs the user is authorized to view (col. 9, ll. 28-42).

Regarding claim 99, the limitations of claim 99 have been addressed in the discussion of claim 1. Claim 99 adds the limitation of displaying the program data as a program menu, which is taught by Boyer '085 in at least figure 28.

Regarding claim 102, Boyer '085 teaches data provided on an Internet web site.

Regarding claim 104, Boyer '085 teaches that the program order is received at a remote location (pg. 9, para. 0132-0133)

Regarding claim 111, Boyer '085 teaches that the program order is received at a remote location and sent to a digital programming broadcaster (pg. 9, para. 0132-0133).

Regarding claim 113, the combination of Boyer '085 and Bestler has already been discussed; Bestler teaches multiplexing the local authorization code with the program (col. 3, ll. 18-22).

Regarding claim 127, the limitations of claim 127 have been addressed in the discussion of claim 1.

Regarding claim 128, the combination of Boyer '085 and Bestler has already been discussed; Bestler teaches multiplexing the local authorization code with the program and demultiplexing (col. 3, ll. 18-22).

Regarding claim 129, Boyter teaches a remote site transmitting the authorization signal to a broadcast (pg. 9, para. 0132-0133), wherein the broadcaster broadcasts the multiplexed digital programs as discussed with Bestler.

Regarding claim 137, Boyer '085 teaches generating a program guide and transmitting the guide, wherein selections are made based upon the guide (see fig. 27-28, 31).

Regarding claim 138, Boyer '085 teaches the guide is broadcast to the first

terminal.

Regarding claim 139, Boyer '085 teaches the guide is broadcast to the first

terminal.

4.   Claims 4 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over

U.S. Patent Application Publication 2003/0066085 to Boyer et al. (Boyer '085), U.S.

Patent 5,517,502 to Bestler et al. (Bestler), and U.S. Patent Application Publication

2005/0138660 to Boyer et al. (Boyer '660) in view of U.S. Patent 5,600,364 to Hendricks

et al. (Hendricks '364).

Regarding claim 4, Boyer '085 teaches a television (see fig. 1, label 54, fig. 3,

label 120), Bestler teaches a connection to a video display (col. 3, ll. 31-38), which

displays the analog image. However, Boyer '085 and Bestler are silent on displaying on

an analog television. Hendricks '364 teaches converting a compressed image to analog

to be displayed on the television (col. 7, ll. 48-49). Therefore, it would have been

obvious to one of ordinary skill in the art at the time the invention was made to modify

Boyer '085 by displaying the decompressed images on the television as taught by

Hendricks '364 in order to effectively display the images and information to the user.

Regarding claim 17, Boyer '085 and Bestler are silent on teaching a remote control and the details of a menu and scrolling the program guide for a desired programming. Hendricks '364 teaches a remote control and navigating through a program guide for desired programming (col. 12-13, ll. 65-5; col. 13, ll. 23-38). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Boyer '085 by using a remote control and navigating through a program guide as taught by Hendricks '364 in order to provide a more user friendly environment for choosing desired programs.

5.   Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication 2003/0066085 to Boyer et al. (Boyer '085), U.S. Patent 5,517,502 to Bestler et al. (Bestler), and U.S. Patent Application Publication 2005/0138660 to Boyer et al. (Boyer '660) in view of U.S. Patent 5,880,769 to Nemirofsky et al.

Regarding claim 5, Bestler teaches a conditional access unit but Boyer '085 and Bestler are silent on a smart card. Nemirofsky teaches using a smart card and transmitter in a smart card (col. 2, ll. 45-50). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Boyer '085 by implementing a smart card with a transmitter as taught by Nemirofsky in order to maintain security and automate transactions.

Boyer '085 is silent on a digital television. Official Notice is taken that digital televisions are well known in the art. Therefore, it would have been obvious to one of

ordinary skill in the art at the time the invention was made to modify Boyer '085 by using

a digital television in order to provide an integrated digital system thereby reducing the

number of components.

6.   Claims 6-8, 10, and 11 are rejected under 35 U.S.C. 103(a) as being

unpatentable over U.S. Patent Application Publication 2003/0066085 to Boyer et al.

(Boyer '085), U.S. Patent 5,517,502 Bestler et al., U.S. Patent Application Publication

2005/0138660 to Boyer et al. (Boyer '660), and U.S. Patent 5,880,769 to Nemirofsky et

al. in view of U.S. Patent 5,809,204 to Young et al.

Regarding claim 6, Boyer '085 and Bestler are silent on second receiver

incorporated into the digital television. As discussed in claim 5, the examiner asserts

that digital televisions are well known in the art. Furthermore, Young teaches that

integrating components is well known (col. 12, ll. 48-54). Therefore, it would have been

obvious to one of ordinary skill in the art at the time the invention was made to modify

Boyer '085 by integrating the first receiver of Bestler into a digital television in order to

provide an integrated digital system thereby reducing the number of components.

Regarding claim 7 and 8, claim 7 introduces a third receiver but the examiner

notes that it is substantially similar to that of Bestler except that the location is in the

digital television. Accordingly, the limitations of claims 7 and 8 have been addressed in

the discussion of claims 5 and 6.

Regarding claim 10, the limitations of claim 10 have been addressed in the

discussion of claim 6.

Regarding claim 11, the limitations of claim 11 have been addressed in the discussion of claims 6 and 9.

7.　　Claims 67-70, 97, and 169-174 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication 2003/0066085 to Boyer et al. (Boyer '085) in view of U.S. Patent 5,600,364 to Hendricks et al. (Hendricks '364), U.S. Patent 5,517,502 to Bestler et al. (Bestler), and U.S. Patent Application Publication 2005/0138660 to Boyer et al. (Boyer '660).

Regarding claim 67, Boyer '085 teaches order and account verification information being processed, which inherently has a system to perform the functions, wherein the system receives the requests from a personal computer accessing a web-page (pg. 4, para. 0069, pg. 9, para. 0132), which equates to an order and authorization system that receives a program order from a first terminal in a television distribution network and generates an authorization order that authorizes access to a program.

Boyer '085 teaches a headend authorizing display of the ordered event (pg. 9, para. 0133), but is silent on a billing system coupled to the order an authorization system, wherein the billing system receives the order and generates a billing record. Hendricks '364 teaches a billing system coupled to an order and authorization system, and the billing system receives the orders and generates a billing record (col. 40, ll. 21-29). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Boyer '085 by a billing system coupled to the order an authorization system, wherein the billing system receives the order and generates a

billing record as taught by Hendricks '364 in order appropriately charge customers for their respective services.

Boyer '085 teaches a headend coupled to the order and authorization system, and seconding the program to a second terminal (set top box) in the television distribution network (pg. 9, para. 0132-0133), but is silent on how the data is sent to the second terminal, specifically, Boyer '085 is silent on the program is multiplexed with other programs, the authorization providing a local authorization code addressed to the second terminal, wherein the authorization code allows the terminal to demultiplex, decrypt and display the program. Bestler teaches a cable decoder (fig. 1) for receiving a digital broadcast television program (col. 2, ll. 55-67). Furthermore, Bestler teaches receiving programs (claimed program data) (col. 3, ll. 1-17, col. 4, ll. 17-20), and conditional access (CA) packets multiplexed into the transport stream (claimed local authorization code) (col. 3, ll. 18-23) for decrypting the program. Additionally, Bestler teaches memory for storing the authorization code (col. 8, ll. 40-43) until needed for decrypting and displaying the program (col. 10, ll. 1-13). Bestler teaches the decoder transmitting a program selection from the decoder to the controller (claimed remote site) (fig. 7, lab 302) where the controller generates and sends the local authorization code (col. 7, ll. 37-40, col. 11, ll. 51-61). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Boyer '085 by multiplexed the program with other programs, the authorization providing a local authorization code addressed to the second terminal, wherein the authorization code

allows the terminal to demultiplex, decrypt and display the program as taught by Bestler

in order to provide secure transmission of content.

Boyer '085 and Bestler are silent on a first receiver located at a first site, and a

second receiver located at a second site geographically remote from the first site. In

analogous art, Boyer '660 teaches a personal computer (28) for viewing an Web-based

EPG (pg. 2, para. 0036), and a second receiver at the home, which is geographically

remote from the first site (pg. 3, para. 0044), wherein the user is able to access the web

page and order pay-per-view events through the web interface and deliver the event to

their multimedia system (fig. 9, pg. 3, para. 0062-0063), which reads on a first receiver

located at a first site, and a second receiver located at a second site geographically

remote from the first site.

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify the Internet based EPG of Boyer '085 and

Bestler by a first receiver located at a first site, and a second receiver located at a

second site geographically remote from the first site as taught by Boyer '660 in order to

facilitate users by enabling the user to order programs using a web-interface, thereby

permitting users to order programs from a geographically remote location and thus

increasing the usability of the system.

Regarding claim 68, Bestler teaches multiplexing the local authorization code

with the program and demultiplexing (col. 3, ll. 18-22).

Regarding claim 69, Bestler teaches an authorization code addressed to specific terminals (col. 8, II. 8-13) with an identification code identifies which programs the user is authorized to view (col. 9, II. 28-42).

Regarding claim 70, Boyer '085 teaches the program is listed in the program guide to the first terminal by the broadcaster (fig. 1 and 3).

Regarding claim 97, the combination of Boyer '085 and Bestler has already been discussed; Bestler teaches an authorization code addressed to specific terminals (col. 8, II. 8-13) with an identification code identifies which programs the user is authorized to view (col. 9, II. 28-42).

Regarding claim 169, the limitations of claim 169 have been addressed in the discussion of claim 67.

Regarding claims 170 and 171, the combination of Boyer '085 and Bestler has already been discussed; Bestler teaches multiplexing the local authorization code with the program and demultiplexing (col. 3, II. 18-22).

Regarding claims 172-174, Boyer '085 teaches the the program is listed in an electronic program guide provided on a web page of the Internet, wherein the terminal accesses the web page to receive the web page (pg. 4, para. 0067-0068, fig. 15-34).

8.   Claims 60 and 115 are rejected under 35 U.S.C. 103(a) as being unpatentable

over U.S. Patent Application Publication 2003/0066085 to Boyer et al. (Boyer '085),

U.S. Patent 5,517,502 Bestler et al., and U.S. Patent Application Publication

2005/0138660 to Boyer et al. (Boyer '660) in view of U.S. Patent 5,734,853 to Hendricks

et al. (Hendricks '853).

       Regarding claim 60, Boyer '085 is silent on a time out feature, Hendricks '853

teaches a time out (fig. 19, 20, col. 37, ll. 20-25). Therefore, it would have been obvious

to one of ordinary skill in the art at the time the invention was made to modify Boyer

'085 by using time outs as taught by Hendricks '853 to deauthorize the display and

prevent charges.

       Regarding claim 115, Boyer '085 is silent on a time out period and if the cancel

order is not received within the time out period, sending the program order to billing

system, and preparing billing. Hendricks '853 teaches a time out period and if the cancel

order is not received within the time out period, then billing the user which clearly sends

the program order to billing system, and preparing billing (col. 37, ll. 20-25). Therefore,

it would have been obvious to one of ordinary skill in the art at the time the invention

was made to modify Boyer '085 by a time out period and if the cancel order is not

received within the time out period, sending the program order to billing system, and

preparing billing as taught by Hendricks '853 in order to appropriately bill users when

the program has been watched past a threshold amount.

9.   Claim 116 rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent Application Publication 2003/0066085 to Boyer et al. (Boyer '085), U.S. Patent

5,517,502 Bestler et al., and U.S. Patent Application Publication 2005/0138660 to Boyer

et al. (Boyer '660) in view of U.S. Patent 5,734,853 to Hendricks et al. (Hendricks '853)

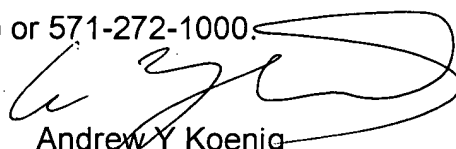and U.S. Patent 5,600,364 to Hendricks et al. (Hendricks '364).

Regarding claim 116, Boyer '085 is silent on a time out period, and generating a

deauthorization signal if the cancel order is received, and transmitting the

deauthorization signal which removes access to a previously authorized program.

Hendricks '853 teaches a time out period. Therefore, it would have been obvious to one

of ordinary skill in the art at the time the invention was made to modify Boyer '085 by a

time out period as taught by Hendricks '853 in order to permit the user to escape from

an ordered movie without charge. Boyer '085 and Hendricks '853 are silent on a

deauthorization signal which removes access to a previously authorized program.

Hendricks '364 teaches transmitting the deauthorization signal which removes access to

a previously authorized program (col. 32, II. 7-16). Therefore, it would have been

obvious to one of ordinary skill in the art at the time the invention was made to modify

Boyer '085 and Hendricks '853 by a deauthorization signal which removes access to a

previously authorized program as taught by Hendricks '364 in order to prevent a

cancelled program from being viewed by a subscriber who has already received the

authorization for the program.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Y. Koenig whose telephone number is (571) 272-7296. The examiner can normally be reached on M-Fr (8:30 - 5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571)272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Andrew Y Koenig
Primary Examiner
Art Unit 2623

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